

REMARKS

The Non-Final Office Action mailed December 13, 2007 and the references cited therein have been carefully considered. **Claims 1-31** are now pending in the application. By the amendments herein **Claims 2, 3 and 15** have been canceled and **Claims 1, 4, 14 and 16** have been amended primarily to accept subject matter deemed allowable by the Examiner.

Applicant appreciates and acknowledges the Examiner's indication of allowable subject matter as well as several allowed Claims. In particular, the Office Action indicated **Claims 3, 4, 7-9, 15-19, 21-22 and 24** would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also, it was indicated that **Claim 25-31** were allowed.

Accordingly, while not acceding to the propriety of any claim rejections over prior art set forth in the Office Action, Applicant have rewritten Claims 1, 4, 14 and 16 to accept subject matter deemed allowable by the Examiner to expedite prosecution of this application to allowance. In particular, the subject matter of allowed Claim 3, along with intervening Claim 2, has been incorporated into independent Claim 1; and Claim 2 and 3 canceled accordingly. As Claim 3 was canceled, Claim 4 was amended to depend on Claim 1. Also, the subject matter of allowed Claim 15 has been incorporated into independent Claim 14; and Claim 15 canceled accordingly. Additionally, Claim 16 has been rewritten in independent form, including all of the limitations of Claim 14 to which it previously depended. Thus, the application as now presented is believed to be in allowable condition.

In the Office Action, on page 12 at paragraph 11, Claim 20 was rejected under 35 U.S.C. §103(a). However, it is respectfully noted that Claim 20 is dependent on Claim 16, which the Examiner has indicated would be allowable. Therefore, it is presumed for purposes of this Response that Claim 20 similarly contains allowable subject matter, subject to the same objection currently pending against Claim 16.

These amendments were not made to limit the scope of the present invention nor were they made to distinguish the present invention from the art of record. The amendments to the claims, specification and drawings correspond to language contained in the claims as originally filed. Thus, no new matter has been added by the amendments.

Objection to the Drawings

In the Office Action, the drawings were objected to under 37 C.F.R. 1.83(a) for not showing every feature of the invention specified in the claims. Accordingly, Applicant has presented two sheets of drawings each marked "REPLACEMENT SHEET" to replace pages 1 and 2 of the drawings. In particular, Figs. 1 and 2 of the drawings have been amended to include the elements specified in the claims, but objected to by the Examiner as not shown in the drawings. In particular, elements with corresponding reference numerals have been added to the drawing in FIG. 1 as follows:

- 132: Represents a pump laser and is denoted by a circle connected to the receiving amplifier 114. A pump laser was recited in the claims as originally filed. Additionally, a

description of such a pump laser being associated with the receiving amplifier 114 was contained in the specification at paragraphs [0037], [0040] and [0042] as originally filed;

- 134: Represents an optical tap and is denoted by a triangle connected to an input side of the receiving amplifier 114. An optical tap was recited in the claims as originally filed. Additionally, a description of such an optical tap was contained in the specification at paragraph [0046] as originally filed;
- 136: Represents a circuit or circuitry associated with the receiver amplifier and is denoted by a small oval connected to the receiving amplifier 114. Such a circuit or circuitry was recited in the claims as originally filed. Additionally, a description of such a circuit or circuitry was contained in the specification at paragraphs [0047], [0048], [0050] and [0051] as originally filed;
- 138: Represents an a circuit or circuitry associated with the transmitter amplifier and is denoted by a triangle connected to the transmitter amplifier 122. Such a circuit or circuitry was recited in the claims as originally filed. Additionally, a description of such a circuit or circuitry was contained in the specification at paragraph [0037] as originally filed; and
- 140: Represents local data storage and is denoted by a cylinder connected to the receiving amplifier 114. Local data storage was recited in the claims as originally filed. Such a local database was recited in the claims as originally filed. Additionally, a description of

such local data storage was contained in the specification at paragraph [0046] as originally filed.

Corresponding amendments to the Specification, adding the aforementioned numbered elements, are presented above. Additionally, text has been added to the drawing in FIG. 2 as follows:

- In step 204, the text was expanded upon to include that “account for noise power loss due to spectral filtering or noise power conversion efficiency” can be made in that step. This recitation was in the claims as originally filed. Also, the corresponding textual description was included in the specification as originally filed, in the last sentence of paragraph [0049]; and
- In step 212, the text was expanded upon to include that the shut down of the receiver amplifier can be performed slower than the automatic gain control (AGC) speed or the SRS tilting control speed as originally found in the specification in the middle of paragraph [0051] and as recited in Claim 21 as originally filed. Additionally, step 212 of Fig. 2 has been amended to include the optional use of the receiver amplifier as a constant high power noise source using an automatic power control circuit as originally found in the specification in the last sentence of paragraph [0051] and as recited in Claim 22 as originally filed.

Prior Art Rejections

The prior art rejections of Claims 1, 2, 5, 6, 10-14 and 23 have been rendered moot by the amendments to claims submitted herewith. These amendments were solely made to expedite prosecution of this application to allowance by accepting subject matter deemed allowable by the Examiner. Applicants do not concede that the foregoing rejections are proper and reserve the right to file one or more related applications directed to the subject matter of the claims prior to the amendments herein.

In view of the foregoing, Applicant respectfully requests the amendments to the Specification and Drawings be entered and that the objections to the drawings be withdrawn. Accordingly, reconsideration and allowance are respectfully solicited.

If the Examiner has any questions or suggestions to expedite allowance of this application, she is cordially invited to contact Applicant's attorney at the telephone number provided.

Respectfully submitted,

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